

LEWIS
AND
ROCA
LLP
LAWYERS

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles Jr. NV State Bar No. 006593
Email: rcharles@lrlaw.com
John C. Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE
MOTION TO AMEND COURT'S
ORDERS SUSTAINING THE
FOURTH OMNIBUS OBJECTION
RE: LERIN HILLS, LTD LOAN;
AND CERTIFICATE OF SERVICE**

Date of Hearing: November 15, 2011
Time of Hearing: 9:30 a.m.
Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST FILED A MOTION TO AMEND
COURT'S ORDERS SUSTAINING THE FOURTH OMNIBUS OBJECTION
REGARDING THE LERIN HILLS, LTD LOAN. YOU FILED A CLAIM THAT
APPEARS TO BE BASED UPON AN INVESTMENT IN THE LERIN HILLS, LTD
LOAN. THIS MOTION SEEKS TO DETERMINE THE AMOUNT OF THAT
CLAIM, 15 PERCENT OF WHICH HAS BEEN ALLOWED BY THE COURT.
THIS MOTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS
BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS**



1 **REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN**
2 **HINDERAKER (520-629-4430).**

3 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
4 through its counsel, has filed its Motion to Amend Court's Orders Sustaining The Fourth
5 Omnibus Objection Re: The Lerin Hills, LTD Loan (with Certificate of Service) (the
6 "Motion").

7 The USACM Liquidating Trust has already moved to allow 15% of the Lerin Hills,
8 LTD claims and the Court has granted that motion. When the USACM Trust began to
9 process the allowed claims for payment, it realized that it had a problem because your
10 claim was allowed by the Court in an "unknown" amount. In order for the USACM
11 Liquidating Trust to make a distribution to you, the allowed claim must be for a specific
12 dollar amount. Thus, this Motion asks the Court to set the dollar amount of your claim at
13 an amount equal to your principal investment in the Lerin Hills, LTD Loan, or if we were
14 unable to determine the amount, the amount was set at zero and you may provide
15 documentation as to the amount of your principal investment.

16 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held
17 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
18 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
19 **November 15, 2011, at the hour of 9:30 a.m.**

20 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
21 **NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
22 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
23 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

24 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
25 response to the Motion must be filed and service must be completed no later than **fourteen**
26



(14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and grant the Motion without formally calling the matter at the hearing.

DATED this 14th day of October, 2011.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)
 Robert M. Charles Jr. NV 6593
 John C. Hinderaker, AZ 18024 (*pro hac vice*)
 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, Nevada 89169
 Telephone: (702) 949-8200
 Facsimile: (702) 949-8398
 E-mail: jhinderaker@lrlaw.com

Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class
 Postage prepaid U.S. mailed on
 October 14, 2011 to:

The parties listed on Exhibit A attached
 to the Motion

LEWIS AND ROCA LLP

/s/ Matt Burns
 Matt Burns, Paralegal